IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF OCTOBER,
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION NO : 2542 of 2003

Between:

1. G. Ramaiah, S/o Penchalaiah,Agrl.Convenor, Users Committee, Kanupurupalli, R/o Kanupurupalli(V), Kaluvai Mandal, Nellore District.
2. B. Venkateswarlu s/o Venkataswamy,Agrl Convenor, Users Committee, Kanupurupalli, R/o Kanupurupalli(V), Kaluvai Mandal, Nellore District.
3. SK. Abdulla Saheb,S/O Bekari Saheb, Agrl Convenor, Users Committee, Erubotlapalli R/o Erubotlapalli(V), Kaluvai Mandal, Nellore District.
4. K. Venkateswarlu S/o Chinna Penchalaiah, Agrl Convenor, Users Committee, Erubotlapalli R/o Erubotlapalli(V), Kaluvai Mandal, Nellore District.
5. N. Chandrasekhar S/o Chelamaiah, Agrl Convenor, Users Committee, Chintalapalem, R/o Chintalapalem (V), Kaluvai Mandal, Nellore District.
6. N. Gopal s/o Naraiah, Agrl Convenor, Users Committee, Chintalapalem, R/o Chintalapalem (V), Kaluvai Mandal, Nellore District.

.... PETITIONERS

AND

1. The Government of A.P. rep by the Commissioner for Relief & Ex-Officio, Secretary to Government., Secretariat Buildings, Hyderabad.
2. The District Collector, Nellore.
3. The Executive Engineer, Panchayat Raj Department, Nellore.
4. The Assistant Engineer, Panchayat Raj Department, Kaluvai Mandal, Kaluvai, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of writ of Mandamus under Art. 226 of the constitution of India, declaring the action of the respondent in not allotting the rice at a cost of Rs. 5.65 per Kg. for equivalent value of the work allotted to the petitioners under the food for work programme is arbitrary, illegal, discriminatory and therefore violative of Art. 14 of the constitution of India and consequently direct the respondents to allot the rice at a cost of Rs. 5.65 per Kg. as per the guidelines in Government of A.P Memo No. 43851/RelfLIV/2001-2003, dated 20-9-2001 for the equivalent value of the works executed by the petitioners

Counsel for the Petitioner :MR.CH.CKRISHNA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioners are convenors of user committees of various villages in Nellore District under Food For Work (FFW) Programme. They executed certain developmental works in Nellore District. As per the guidelines for implementation of FFW Programme, the value of the work has to be paid by 100% rice component, which was fixed at Rs.5.65 per Kg., as per Government Memo dt.20.9.2001. The District Collectors issue coupons to implementing agencies depending on the administrative sanction accorded by the District Collectors while entrusting the works to user committees. After completing the works, when the petitioners approach the authorities they were not issued rice coupons. They made several representations in vain, and also submitted the reports of the staff from Engineering Department with regard to completion of the works. Therefore, they filed the Writ Petition seeking a Writ of Mandamus declaring the action of the respondents in not allotting rice at Rs.5.65 per Kg., for the works completed by petitioners as arbitrary, illegal and violative of Article 14 of the Constitution of India. They also seek a consequential direction to respondents to allot rice at Rs.5.65 per Kg. as per the Government Memo dt.20.9.2001.

At the time of argument, learned counsel for the petitioners Sri C.Krishna Reddy, fairly submits that the question raised herein is squarely covered by the judgment of the Division Bench against the petitioners. However, a copy of the said judgment has not been placed before this Court. Be that as it is, the petitioners are in effect seeking a direction for payment of value in kind for the work they allegedly completed. This is question of fact, which in my considered opinion cannot be subject matter of Writ Petition. If the petitioners are aggrieved, they may approach the appropriate authorities and seek redressal as per comprehensive guidelines on FFW Programme 2001-2002. On unproven allegations made in the affidavit accompanying the Writ Petition, a Writ as prayed cannot be granted.

The Writ Petition is devoid of merit and is accordingly dismissed. No costs.

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(V.V.S.RAO, J)

8th October, 2004

Sh/Msr/bnr

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To

1. The Commissioner for Relief & Ex-Officio Secretary to Government
Government of A.P. Secretariat Buildings, Hyderabad.
2. The District Collector, Nellore.
3. The Executive Engineer, Panchayat Raj Department, Nellore.
4. The Assistant Engineer, Panchayat Raj Department, Kaluvai Mandal,
Kaluvai, Nellore District.

5. 2CCs to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

6. 2CD copies.

THE HON'BLE MR JUSTICE V.V.S.RAO

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8th October, 2004.